



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: William T. Ball  
SERIAL NO : 10/674,862  
FILED: September 30, 2003  
TITLE: METHOD AND MEANS FOR AN OVERFLOW ASSEMBLY TO  
BATHTUBS AND THE LIKE  
Grp./A.U. : 3751  
Conf. No. : 6280  
Examiner : Robert M. Fetsuga  
Docket No.: P06455US1-153

PETITION TO MAKE SPECIAL  
UNDER 37 C.F.R. 1.102(d) and M.P.E.P. § 708.02

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants in the above-identified Application hereby petition the Commissioner to accord "Special" status to the subject application. Applicants believe that the application is entitled to "special" status because there is presently an active actual infringement. The Petition fee set forth in 37 C.F.R. 1.17(h) accompanies this Petition.

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130.00 OP

CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. § 1.8)

I hereby certify that this document and the documents referred to as attached herewith are being submitted to the United States Patent and Trademark Office via first class mail, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17th day of November 2004.

Timothy J. Zarley

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### **BACKGROUND**

The present invention is related to a method and means for an overflow assembly for bathtubs.

### **ACTUAL INFRINGEMENT**

Applicant is currently aware of an overflow assembly on the market that is believed to constitute a direct infringement of the subject application.

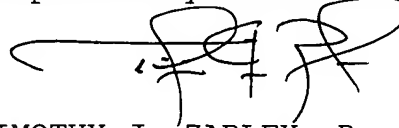
The undersigned, the Petitioner for the Applicant in this case, has made a careful comparison of the infringing assembly with the claims of the application. In the undersigned's opinion, one or more of the claims of the subject patent application is unquestionably infringed.

### **PRIOR ART**

A careful and thorough search of the prior art has been made, and the Applicant has a good knowledge of the pertinent prior art because of its long term involvement with overflow assemblies. All such material prior art has been provided to the Examiner as evidenced by the Information Disclosure Statement mailed on January 7, 2004. It is believed that the claims of the invention are allowable over the known prior art.

The grant of this Petition and the award of "special" status for this application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TJZ', with a large, stylized flourish extending from the end of the signature.

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